Sectt. II-27—104,026—4-11-49.

P.W (1951) Department.

M/; SERIES.

close
6 RJ

G.O. NO. 2279
2279.

Dated 1.6.51.

[Despatch Abstract.]

Ports - Mangalore - Launch and tug hire schedule - Amended.

From
J.M. BALMFORTH, ESQ.,
Principal Port Officer,
P.B.No.13,
Madras 1.

To
The Secretary to Government,
Public Works Department,
Madras.

No.2310 99/50-8. Dated, 8th May 1951.

Sir,

Sub:- Mangalore Port - Launch and tug hire Schedule - Scope of item IV of the Schedule - Amplification of - Draft amendment proposed.

Ref:- G.O.No.885 Mis. Finance (Marine), dated 17-12-1926 as subsequently amended (last amended by G.O.Ms. No.2998, P.W., dated 12-8-1949.)

I have to state that the scope of item IV of the Launch and Tug hire schedule at the port of Mangalore sanctioned in the G.O. cited would appear to be limited to 'towage' service only and accordingly the mercantile public requiring the services of the launch or tug are likely to protest to pay the increased fee of 50% prescribed therein when the services of the launch or tug are utilised for purposes other than 'towage' between the hours of 6 P.M. and 6 A.M. It will be observed that from the date of inception of the levy of hire in accordance with the schedule, the additional charge of 50% referred to in item IV of the schedule has been applied by the Port Officer, Mangalore and collected by him for all services including towage between the hours of 6 P.M. and 6 A.M., for the simple reason that the term 'towage' was loose in its application to the context, as the crafts were used for towage as well as for special trips including non-specified trips. Hence the necessity for a broadbased and liberal interpretation of the term 'towage' to embrace all services. A literal interpretation of the term to apply to towage only as per the terms used would affect the revenues of the port and this was not the practice also nor was it so intended when Government first passed their orders in 1926. In the circumstances I consider that item IV of the schedule should be amplified by the use of the words "all services" instead of "towage" and request that Government may be pleased to approve of the amendment proposed in the draft notification herewith.

2. The Port Conservancy Board, Mangalore in its resolution No.X dated 10-4-51 has concurred with the proposal of the Port Officer, Mangalore - Vide copy of the resolution and the Port Officer's note enclosed.

3. A draft notification is enclosed for the approval of Government and publication thereafter in the South Kanara District Gazette.

Yours faithfully,

for J.M. Balmforth

Principal Port Officer.

Encl 4 sheets

P.S.

~~In duplicate.~~

~~Draft Notification.~~

In the notification relating to the rates of fees for towage and other services published at page 2 of the General Supplement to the South Kanara District Gazette for January 1927, as subsequently amended, the following amendment shall be made:

Amendment

In item (IV) for the word "towage", ~~occurring therein~~, the words "all services" shall be substituted.

hereby made

~~From~~ The amendment shall be deemed to have come into force ~~from~~ 13th November 1926.

by Mr Balmforth

Principal Port Officer.

In duplicate.

Draft Notification.

In the notification relating to the rates of fees for towage and other services published at page 2 of the General Supplement to the South Kanara District Gazette for January 1927, as subsequently amended, the following amendment shall be made:

In item (IV) for the word "towage" occurring therein, the words "all services" shall be substituted.

The amendment shall be deemed to have come into force from 15th November 1926.

J. M. Balmforth

Principal Port Officer.

85

P10 187/52

Resolution No.X dated 10.4.1951

X. Read correspondence between the Presidency Port Officer and the Port Officer on the application or otherwise of item IV of the Schedule of launch hire rates, sanctioned in G.O. Ms.No.685 Finance (Marine) dated 17.12.1926 to services other than "towage", and Port Officer's Note dated 4.4.1951, recommending substitution of the term "All services" for "towage".

"Read Port Officer's Note. The Board consider that the word "Towage" may be substituted by the term "All Services".

Copy together with copies of the note referred to and the draft notification in duplicate submitted to the Presidency Port Officer, Madras for favour of necessary action with reference to the corresponding resting with his Memo No.2310 G1/150-7 dated 10.3.1951.

Port Office, Mangalore,
18th April, 1951.

Port Officer.

NOTE TO THE PORT CONSERVANCY BOARD
MEETING.

Mangalore Port - Launch Hire Rates - Item IV of the Schedule - sanctioned in G.O.Ms.685 Fin.(Mar) dated 17-12-1926 as subquently amended and correspondence on the subject.

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In item IV of the Launch Hire Schedule an increase of 50% has been prescribed for services been the hours of 6 P.M. and 6 A.M. This enhancement is intended to cover "All Services " inclusive of towage of boats and has been effect since the intial stage of the levy of luanch hire on aunt of utilization of the services of the launch out of normal work hours. The use of the word "towage" would appear loose as Craft is being used for all towages of boats and special t as well including non-specified services and the appropriate te would be "all Services". The Board is requested to approve above an amendment to item IV.

Port Office, Mangalore.
April,1951.

Port Officer.

7

115/1/6

Subt: Ports - Mangalore - Launching hire schedule - Amended.

x

p 6 g/c Read again: G.O. No. 1885 Finance (Mary) dt. 17/12/46
p 2 & 3 g/c x 2998 P.W dt. 12.8.49

x

CF Read also: From the A.P.O. No. 2310 C1/50.8 dt. 8.5.1951.

CNo 2459 F/51

x

ORDER 2229 dated 11/6/51.

M:

The following notification will be published in the South Kanara District Gazette:-

Notification

[H.E. p. 3 CF.]

18.5.51 RJ 8539

19.5.51

To

The A.P.O.
Exam. of F
Cotton of St.
S.G.P. for publication of the notification

Copy for file 1 s/c

Note The proposal of the A.P.O as in the draft notification on p 3 CF may be agreed to in view of para 11 on p 1 CF. Draft above is for appl. Legal may see before issue.

Legal U.O.No. 8539/51-1. 18.5.51. 19.5.51. Legal

26/5/51. RJ 8539

P.W.D.No. 2459 F/51.

21.5.51

Legal Department.

The alterations indicated in red ink on the draft notification may be made.

ASSISTANT SECRETARY 8539 22 MAY 1951 LEGAL DEPARTMENT

PWD 26/5/51 P.W.D.

ASST. SECRETARY 28 MAY 1951

PW 26

The draft with the draft notification as amended by Legal, may issue.

GOVERNMENT OF MADRAS
(ABSTRACT)

PORTS - Mangalore - Launch and tug hire schedule - Amended.

PUBLIC WORKS DEPARTMENT.

G.O.Ms.No. 2279. Dated 1st June 1951.
Read the following:-

G.O.Ms.No. 685, Finance (Marine) dated 17-12-1926.
G.O.Ms.No. 2908, Public Works, dated 12-8-1949.
From the Principal Port Officer, No. 2310 G1/50-8 dated 8-5-1951.

ORDER:

The following notification will be published in the South Kanara District Gazette:-

NOTIFICATION.

In the notification relating to the rates of fees for towage and other services published at page 2 of the General Supplement to the South Kanara District Gazette for January 1927, as subsequently amended, the following amendment shall be made:

The amendment hereby made shall be deemed to have come into force on the 13th November 1926.

AMENDMENT.

In item (iv) for the word "towage", the words "all services" shall be substituted.

(BY ORDER OF HIS EXCELLENCY THE GOVERNOR)

T.M.S. MANI,
SECRETARY TO GOVERNMENT.

To
The Principal Port Officer.
The Examiner of Local Fund Accounts.
The Collector of South Kanara.
The Superintendent, Government Press (for publication of the notification).

True copy / Forwarded / By order.